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Attorney for Defendant

PHILLIP HURBACE

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**PHILLIP HURBACE, and SYLVAINÉ
DELLA WHITMORE,**

Defendants.

Case No.: 2:17-CR-110-APG-DJA

(6th REQUEST)

STIPULATION AND ORDER TO CONTINUE SENTENCING

IT IS HEREBY STIPULATED AND AGREED, by and between **TONY LOPEZ, ESQ.**, Assistant United States Attorney, counsel for the United States of America, and **OSVALDO E. FUMO, ESQ.**, counsel for PHILLIP HURBACE, and **LISA RASMUSSEN, ESQ.**, counsel for SYLVAINÉ DELLA WHITMORE, that the Restitution Hearing currently scheduled for March 13, 2024 at 1:30 and the Sentencing Hearing currently scheduled for March 14, 2024, at 10:30 a.m., and 1:30 p.m., be vacated and reset on a date and time convenient to the court, but not earlier than 2 weeks.

1. Counsels for defendants has spoken to their clients and they have no objection to the request of continuance.
2. Defendants are out on pretrial release.

- 1 3. Counsels has spoken to AUSA Tony Lopez and he does not oppose to the
2 continuation.
3
4 4. Counsels needs additional time to prepare for sentencing.
5
6 5. Due to the snowstorm in northern Nevada, Defendant Hurbace is stuck in his
7 residence.
8 6. Denial of this request for continuance could result in a miscarriage justice.
9 7. For all the above-stated reasons, the ends of justice would best be served by a
10 continuance of the Sentencing Hearing until a date and time convenient to the court.

11 This is the 6th request for continuance filed herein.

12 **DATED** this 6th day of March 2024.

13 /S/ Osvaldo E. Fumo, Esq.
14 **OSVALDO E. FUMO, ESQ.**
15 Nevada Bar No. 5956
16 601 Las Vegas Blvd. South
17 Las Vegas, Nevada 89101
18 Attorney for Defendant
19 **PHILLIP HURBACE**

20 /S/ Tony Lopez, Esq. .
21 **TONY LOPEZ, AUSA**
22 Assistant United States Attorney
23 501 Las Vegas Blvd. South,
24 Suite 1100
25 Las Vegas, NV 89101

26 /s/ Lisa Rasmussen, Esq.
27 **LISA RASMUSSEN, ESQ.**
28 Nevada Bar No. 7491
29 550 E Charleston Blvd., #A
30 Las Vegas, Nevada 89104
31 Attorney for Defendant
32 **SYLVAIN DELLA WHITMRE**

ORDER

IT IS HEREBY ORDERED that the Restitution Hearing currently scheduled for March 13, 2024 at 1:30 will be continued to the 26th day of March, 2024 at 1:30 p.m.; and

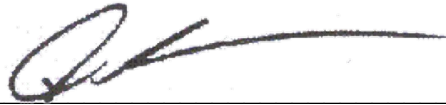
The Sentencing Hearings currently scheduled for March 14, 2024, at 1030 a.m. and 130 p.m., be continued to the 28th day of March, 2024 at the following times:

Hurbace 9:30 a.m.

Whitmore 10:30 a.m.

All in Courtroom 6C.

DATED this 7th day of March, 2024.



The Honorable Andrew P. Gordon
United States District Court Judge